

Remarks

A. Pending Claims

Claims 880-913, 915-933, 935-952, and 954-969 are pending in the case. Claims 914, 934, and 953 have been cancelled without prejudice. Claims 913, 915, 916, 933, 935, 936, 945, 946, 952, 954, 955, 964, and 965 have been amended for clarification.

B. The Claims Are Not Obvious over Homan in View of Maltsis Pursuant To 35 U.S.C. § 103(a)

The Office Action includes a rejection of claims 880-885 and 888-969 under 35 U.S.C. 103(a) as obvious over U.S. Patent No. 5,020,917 (“Homan”) in view of U.S. Patent No. 5,497,914 to Maltsis (“Maltsis”). Applicant respectfully disagrees with these rejections.

In order to reject a claim as obvious, the Examiner has the burden of establishing a *prima facie* case of obviousness. *In re Warner et al.*, 379 F.2d 1011, 154 USPQ 173, 177-178 (CCPA 1967). To establish a *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP § 2143.03.

Claims 880, 912, 932, and 951 describe a combination of features including, but not limited to, an apparatus that comprises: “a plurality of storage vessels coupled to the plurality of mixing systems, wherein each automotive appearance care product fluid is stored in one storage vessel”. The cited art does not appear to teach or suggest at least these features of claims 880, 912, 932, and 951.

Homan discloses: “By then attaching a water hose from an external water source and activating the system, cleaning solution of the prescribed type can be conveyed in the desired quantity to individual usage dispensers, such as 55 gallon drum-type containers having a dispenser affixed thereto, which are located at the site. In any of these ways the mixing and

metering system of the present invention permits easy and economic refilling of those dispensers." (Homan, column 2, lines 39-48). Homan further discloses: "As mentioned outlet pipe 74 may be coupled to a delivery hose in order to convey the prepared cleaning solution to transfer vessels, or directly to the on-site individual usage dispenser, depending on the location of use of the mixing and metering station." (Homan, column 5, lines 54-58). Homan appears to teach using transfer or storage vessels that are not part of the mixing and metering station.

Maltsis discloses: "A feeding device in the form of a pump 10 supplies the cleaning agent associated with the respective spray gun 5 from the supply tank 11 via a throttle 12 in the mixing device 13, where it passes a release valve 14. Also, compressed air from the compressor air reservoir 15 is fed into the mixing device 13." (Maltsis, column 1, lines 61-66). Maltsis appears to teach a supply tank that contains the cleaning agent that is then mixed with compressed air for spraying.

Thus, the cited art does not appear to teach or suggest an apparatus with at least the features of "a plurality of storage vessels coupled to the plurality of mixing systems, wherein each automotive appearance care product fluid is stored in one storage vessel" as described in claims 880, 912, 932, and 951. Obviousness can only be established by "showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teaching of the references." *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988).

Additionally, claims 880, 912, 932, and 951 describe the features of: "a plurality of pumps coupled to the plurality of storage vessels, wherein each pump is coupled to at least one storage vessel, and wherein the plurality of pumps are configured to produce a flow of automotive appearance care product fluids from the storage vessels during use".

In the Office Action, the Examiner states: "Homan shows storage containers 14a-14d, 16a, 16b; mixing system 74, 76; storage vessels discussed in column 5, line 56; dispensing

conduit 74, water/carrier fluid supply discussed in column 5, lines 3-39; pumps 30a-30d having conduits connected to them as seen in Figure 6".

Homan discloses: "Hydraulic cylinders 30a, 30b, 30c and 30d have quick connect couplings 32a, 32b, 32c, and 32d, respectively, which may be Hansen 1" Quick Disconnect Couplings, for connecting thereto a hose or pipe for fluid communication with liquid bulk storage tanks 14a, 14b, 14c, and 14d (as shown in FIG. 1), respectively." (Homan, column 4, lines 30-36). Homan appears to teach or suggest that pumps (hydraulic cylinders 30a, 30b, 30c, and 30d) are coupled to storage containers (bulk storage tanks 14a, 14b, 14c, and 14d).

As discussed above, Maltsis appears to teach that the pump is a feeding device that supplies cleaning agent from a supply tank to a mixing device. Thus, the cited art does not appear to teach or suggest at least the features of: "a plurality of pumps coupled to the plurality of storage vessels, wherein each pump is coupled to at least one storage vessel, and wherein the plurality of pumps are configured to produce a flow of automotive appearance care product fluids from the storage vessels during use" as described in claim 880, 912, 932, and 951.

Claims 880, 912, 932, and 951 further describe a combination of features including, but not limited to: "a plurality of dispensing conduits coupled to the plurality of pumps, wherein each of the dispensing conduits is coupled to at least one pump, and wherein the dispensing conduits are configured to dispense automotive appearance care product fluids during use". The cited art does not appear to teach or suggest at least these features of claims 880, 912, 932, and 951.

Homan discloses: "However, that system requires the use of multiple hose reels, which is cumbersome and inefficient." (Homan, column 1, line 68 to column 2, line 2). Homan further discloses: "Unlike the systems used in the past, the present one is simple in that it does not use multiple hose reels or hoses, but rather uses only a single hose reel and/or hose through which a variety of cleaning solution formulas may be conveyed." (Homan, column 2, lines 13-17). Thus, Homan appears to teach only a single dispensing hose for use with a variety of fluids dispensed

from the apparatus. Homan clearly appears to teach advantages for using a single hose instead of multiple hoses.

Maltsis appears to teach multiple dispensing hoses and dispensers (spray guns). Maltsis discloses: "Six spray guns 5 with their connecting hoses 6 are suspended in a recess so that they may be easily taken down by the user and removed for use." (Maltsis, Column 1, lines 38-40).

Applying the multiple dispensing hoses and dispensers of Maltsis to the single hose system of Homan would appear to render the Homan system unsatisfactory for its intended purpose. If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

The Office Action included rejections of many of the dependent claims based on Homan in view of Maltsis. Applicant submits that many of the dependent claims are believed to be separately patentable over the cited art.

Claim 910 describes a combination of features including: "wherein the apparatus is configured to automatically combine the raw materials with the carrier fluid, automatically store the automobile appearance care product fluids in the storage vessels, and automatically provide a flow of automobile appearance care product fluids" in combination with the features of claim 880.

Claim 911 describes a combination of features including: "wherein the apparatus is configured to automatically combine the raw materials with the carrier fluid, automatically store the automobile appearance care product fluids in the storage vessels, automatically provide a flow of automobile appearance care product fluids, and, when prompted by a user of the apparatus, to automatically dispense the automobile appearance care product fluids" in combination with the features of claim 880.

Claims 916, 936, and 955 describe a combination of features including: “wherein the plurality of raw materials are automatically combined with the carrier fluid and automatically provided to the plurality of storage vessels in the apparatus” in combination with the features of claims 912, 932, and 951, respectively.

Claims 917, 937, and 956 describe a combination of features including: “wherein each of the plurality of storage vessels is automatically refilled with product fluid when a level of fluid in each storage vessel is below a selected value” in combination with the features of claims 912, 932, and 951, respectively.

The cited art does not appear to teach or suggest automatically filling storage vessels as described in the above-quoted features of claims 910, 911, 916, 917, 936, 937, 955, and 956. Homan discloses: “It may, in fact, be more preferable to simply carry elsewhere on the delivery truck a loose delivery hose which may be manually coupled to the cleaning solution output line from mixing and metering station 12 at the time of delivery of cleaning solution to the on-site individual usage dispensers.” (Homan, column 4, lines 15-20). Maltsis discloses: “A level indicator or a signal light, which lights up when a refill is required, may be provided in the front for each care agent tank.” (Maltsis, column 2, lines 40-42). Thus, at least these above-quoted features of claims 910, 911, 916, 917, 936, 937, 955, and 956 in combination with the features of claims 880, 912, 932, and 951 do not appear to be taught or suggested by the cited art.

Claim 895 describes a combination of features including: “wherein the apparatus is enclosed such that a user of the apparatus cannot access the pumps and the mixing systems” in combination with the features of claim 880.

Claim 896 describes a combination of features including: “wherein the apparatus is enclosed such that a distributor of the apparatus can access the pumps and the mixing systems but a user of the apparatus cannot access the pumps and the mixing systems” in combination with the features of claim 880.

Claim 897 describes a combination of features including: “wherein the apparatus is locked such that a distributor of the apparatus can access the pumps and the mixing systems but a user of the apparatus cannot access the pumps and the mixing systems” in combination with the features of claim 880.

Claim 899 describes a combination of features including: “wherein the apparatus is configured such that a user of the apparatus is only allowed to operate the dispensing conduits” in combination with the features of claim 880.

Claims 920, 940, and 959 describe a combination of features including: “allowing the user of the apparatus to only dispense the automotive appearance care product fluids” in combination with the features of claims 912, 932, and 951, respectively.

Claims 921, 941, and 960 describe a combination of features including: “inhibiting the user of the apparatus from affecting the combining of the raw materials with the carrier fluid” in combination with the features of claims 912, 932, and 951, respectively.

In the Office Action, the Examiner states: “as anyone who uses the device is a ‘user’, the user operates the device”. Applicant respectfully disagrees. Applicant’s Specification states:

For the purposes of this patent, “manufacturer” is defined as a maker or builder of apparatus or systems described herein. A manufacturer may sell or lease an apparatus. In certain embodiments, the manufacturer may repair, replace, or maintain an apparatus or components of the apparatus.

A “distributor” is defined as a buyer or leaser of an apparatus. A distributor may further lease the apparatus to a user or customer. A distributor may use an apparatus to produce product fluids that are later sold to or consumed by users or customers. In some cases, a distributor may package the product fluids for sale or consumption. In certain embodiments, a distributor may repair, replace, or maintain an apparatus or components of the apparatus. For example, a distributor may lease an apparatus to a user and maintain a supply of raw materials for the apparatus during use by the user and/or repair any problems with the apparatus.

A “user” is defined as an end user of an apparatus or system as described herein. The user may be a customer of a distributor or manufacturer of the apparatus that uses product fluids described herein directly for automotive

appearance care. In some embodiments, a user may be an automobile detailer, an automobile car wash, or an automobile auction.

(Applicant's Specification, page 7)

Thus, a "user" as stated in the above-quoted features of claims 895-897, 899, 920, 921, 940, 941, 959, and 960 is not anyone who uses the device. The cited art does not appear to teach or suggest limiting or inhibiting access or use by a user as described in the features of these claims in combination with the features of claims 880, 912, 932, and 951. Applicant respectfully requests reconsideration of the features of these claims.

Claim 892 describes a combination of features including: "a cabinet, wherein at least the plurality of mixing systems, the plurality of storage vessels, and the plurality of pumps are located in the cabinet" in combination with the features of claim 880. Claim 898 describes a combination of features including: "a housing, wherein the plurality of storage containers, the plurality of mixing systems, the plurality of storage vessels, and the plurality of pumps are located in the housing" in combination with the features of claim 880. The cited art does not appear to teach or suggest placing all the components of the apparatus (including storage containers, mixing systems, storage vessels, and pumps) in a cabinet or a housing as described in claim 892 or claim 898 in combination with the features of claim 880.

Claim 881 describes a combination of features including: "a counting system configured to count the number of automobiles treated using the apparatus" in combination with the features of claim 880. The cited art does not appear to teach or suggest the features of claim 881 in combination with the features of claim 880.

Claim 882 describes a combination of features including: "wherein the counting system is further configured to report the number of automobiles treated using the apparatus" in combination with the features of claims 880 and 881. The cited art does not appear to teach or suggest the features of claim 882 in combination with the features of claims 880 and 881.

Claim 883 describes a combination of features including: “a counting system configured to automatically count the number of automobiles treated using the apparatus” in combination with the features of claim 880. The cited art does not appear to teach or suggest the features of claim 883 in combination with the features of claim 880.

Claim 884 describes a combination of features including: “a system for counting and reporting the number of automobiles treated using the apparatus” in combination with the features of claim 880. The cited art does not appear to teach or suggest the features of claim 884 in combination with the features of claim 880.

Claim 885 describes a combination of features including: “a system configured to report the fee charged to the user” in combination with the features of claim 880. The cited art does not appear to teach or suggest the features of claim 885 in combination with the features of claim 880.

Claim 888 describes a combination of features including: “wherein each pump is configured to be turned on by a user of the apparatus” in combination with the features of claim 880. The cited art does not appear to teach or suggest the features of claim 888 in combination with the features of claim 880.

Claim 889 describes a combination of features including: “a fluid applicator coupled to an end of each dispensing conduit, wherein the fluid applicator is interlocked to turn on at least one associated pump of the plurality of pumps when the fluid applicator is used” in combination with the features of claim 880. The cited art does not appear to teach or suggest the features of claim 889 in combination with the features of claim 880.

Claim 890 describes a combination of features including: “the fluid applicator comprises an adjustable spray nozzle” in combination with the features of claims 880 and 889. The cited art does not appear to teach or suggest the features of claim 881 in combination with the features of claims 880 and 889.

Claim 891 describes a combination of features including: “one or more additional dispensing conduits coupled to a dispensing conduit” in combination with the features of claim 880. The cited art does not appear to teach or suggest the features of claim 891 in combination with the features of claim 880.

Claim 893 describes a combination of features including: “wherein the cabinet is transportable while containing automotive appearance care product fluids” in combination with the features of claims 880 and 892. The cited art does not appear to teach or suggest the features of claim 893 in combination with the features of claims 880 and 892.

Claim 894 describes a combination of features including: “wherein the apparatus comprises a horizontal width in at least one direction of less than about 18 inches” in combination with the features of claim 880. The cited art does not appear to teach or suggest the features of claim 894 in combination with the features of claim 880.

Claim 900 describes a combination of features including: “a quick coupling device to couple the apparatus to a supply of carrier fluid” in combination with the features of claim 880. The cited art does not appear to teach or suggest the features of claim 900 in combination with the features of claim 880.

Claim 901 describes a combination of features including: “a check valve to inhibit backflow of fluid into a supply of carrier fluid” in combination with the features of claim 880. The cited art does not appear to teach or suggest the features of claim 901 in combination with the features of claim 880.

Claim 902 describes a combination of features including: “a quick coupling device to couple the pumps to a supply of air” in combination with the features of claim 880. The cited art does not appear to teach or suggest the features of claim 902 in combination with the features of claim 880.

Claim 903 describes a combination of features including: “wherein one or more of the storage vessels comprise optically transparent walls to allow a user of the system to view the interior of the storage vessel” in combination with the features of claim 880. The cited art does not appear to teach or suggest the features of claim 903 in combination with the features of claim 880.

Claim 904 describes a combination of features including: “wherein the apparatus comprises a unique identification number” in combination with the features of claim 880. The cited art does not appear to teach or suggest the features of claim 904 in combination with the features of claim 880.

Claim 905 describes a combination of features including: “wherein the carrier fluid comprises water” in combination with the features of claim 880. The cited art does not appear to teach or suggest the features of claim 905 in combination with the features of claim 880.

Claim 906 describes a combination of features including: “wherein at least one raw material comprises a concentrated form of an automotive appearance care product fluid” in combination with the features of claim 880. The cited art does not appear to teach or suggest the features of claim 906 in combination with the features of claim 880.

Claim 907 describes a combination of features including: “wherein the plurality of storage containers is refillable” in combination with the features of claim 880. The cited art does not appear to teach or suggest the features of claim 907 in combination with the features of claim 880.

Claim 908 describes a combination of features including: “wherein the apparatus is configured to dispense an amount of automotive appearance care product fluids sufficient for treatment of at least about 200 automobiles before at least one storage container has to be refilled with raw material or replaced with a new storage container” in combination with the features of

claim 880. The cited art does not appear to teach or suggest the features of claim 908 in combination with the features of claim 880.

Claim 909 describes a combination of features including: “wherein the apparatus is configured to produce at least about 40 gallons of at least one automotive appearance care product fluid before at least one 5 gallon storage container has to be refilled with raw material or replaced with a new storage container” in combination with the features of claim 880. The cited art does not appear to teach or suggest the features of claim 909 in combination with the features of claim 880.

Claims 913, 933, and 952 describe a combination of features including: “wherein the plurality of raw materials are automatically combined with the carrier fluid in the apparatus to produce the plurality of product fluids” in combination with the features of claims 912, 932, and 951, respectively. The cited art does not appear to teach or suggest the features of claims 913, 933, and 952 in combination with the features of claims 912, 932, and 951, respectively.

Claims 915, 935, and 954 describe a combination of features including: “wherein the plurality of raw materials are automatically combined with the carrier fluid to produce the plurality of product fluids by the plurality of mixing systems in the apparatus” in combination with the features of claims 912, 932, and 951, respectively. The cited art does not appear to teach or suggest the features of claims 915, 935, and 954 in combination with the features of claims 912, 932, and 951, respectively.

Claims 918, 938, and 957 describe a combination of features including: “automatically dispensing at least one automotive appearance care product fluid when prompted by the user of the apparatus” in combination with the features of claims 912, 932, and 951, respectively. The cited art does not appear to teach or suggest the features of claims 918, 938, and 957 in combination with the features of claims 912, 932, and 951, respectively.

Claims 919, 939, and 958 describe a combination of features including: “wherein the user of the apparatus treats the one or more automobiles using the dispensed automotive appearance care product fluids” in combination with the features of claims 912, 932, and 951, respectively. The cited art does not appear to teach or suggest the features of claims 919, 939, and 958 in combination with the features of claims 912, 932, and 951, respectively.

Claims 922, 942, and 961 describe a combination of features including: “allowing each of the automotive appearance care product fluids to be dispensed individually” in combination with the features of claims 912, 932, and 951, respectively. The cited art does not appear to teach or suggest the features of claims 922, 942, and 961 in combination with the features of claims 912, 932, and 951, respectively.

Claims 923, 943, and 962 describe a combination of features including: “allowing the flow of at least one automotive appearance care product fluid to be varied using an adjustable fluid applicator” in combination with the features of claims 912, 932, and 951, respectively. The cited art does not appear to teach or suggest the features of claims 923, 943, and 962 in combination with the features of claims 912, 932, and 951, respectively.

Claims 924, 944, and 963 describe a combination of features including: “moving the apparatus such that the apparatus is located proximate the automobiles to be treated using the automotive appearance care product fluids” in combination with the features of claims 912, 932, and 951, respectively. The cited art does not appear to teach or suggest the features of claims 924, 944, and 963 in combination with the features of claims 912, 932, and 951, respectively.

Claims 925, 945, and 964 describe a combination of features including: “wherein the plurality of storage containers is provided by a distributor of the apparatus” in combination with the features of claims 912, 932, and 951, respectively. The cited art does not appear to teach or suggest the features of claims 925, 945, and 964 in combination with the features of claims 912, 932, and 951, respectively.

Claims 926, 946, and 965 describe a combination of features including: “wherein the plurality of raw materials is provided by a distributor of the apparatus” in combination with the features of claims 912, 932, and 951, respectively. The cited art does not appear to teach or suggest the features of claims 926, 946, and 965 in combination with the features of claims 912, 932, and 951, respectively.

Claims 927, 947, and 966 describe a combination of features including: “providing a statement of the fee to be charged for use of the apparatus to the user of the apparatus” in combination with the features of claims 912, 932, and 951, respectively. The cited art does not appear to teach or suggest the features of claims 927, 947, and 966 in combination with the features of claims 912, 932, and 951, respectively.

Claims 928, 948, and 967 describe a combination of features including: “wherein the fee to be charged to the user of the apparatus for using the automotive appearance care product fluids is based on a number of applications using the automotive appearance care product fluids” in combination with the features of claims 912, 932, and 951, respectively. The cited art does not appear to teach or suggest the features of claims 928, 948, and 967 in combination with the features of claims 912, 932, and 951, respectively.

Claims 929 and 968 describe a combination of features including: “wherein the fee to be charged to the user of the apparatus for using the automotive appearance care product fluids is based on a number of uses of the apparatus” in combination with the features of claims 912 and 951, respectively. The cited art does not appear to teach or suggest the features of claims 929 and 968 in combination with the features of claims 912 and 951, respectively.

Claims 930, 949, and 969 describe a combination of features including: “wherein the fee to be charged to the user of the apparatus for using the automotive appearance care product fluids is based on a number of times the apparatus is refilled with raw materials” in combination with the features of claims 912, 932, and 951, respectively. The cited art does not appear to teach or

suggest the features of claims 930, 949, and 969 in combination with the features of claims 912, 932, and 951, respectively.

Claims 931 and 950 describe a combination of features including: “wherein the fee to be charged to the user of the apparatus for using the automotive appearance care product fluids is based on a specified period of time the apparatus is used” in combination with the features of claims 912 and 932, respectively. The cited art does not appear to teach or suggest the features of claims 931 and 950 in combination with the features of claims 912 and 932, respectively.

Applicant respectfully requests reconsideration of the obviousness rejection of claims 880, 912, 932, and 951, and the claims dependent thereon.

C. The Claims Are Not Obvious over Homan as Modified by Maltsis and further in view of Loeb Pursuant To 35 U.S.C. § 103(a)

The Office Action includes a rejection of claims 886 and 887 under 35 U.S.C. 103(a) as obvious over Homan as modified by Maltsis as applied to claim 880 above, and further in view of U.S. Patent No. 6,293,294 to Loeb et al. (“Loeb”). Applicant respectfully disagrees with these rejections.

Claim 886 describes a combination of features including: “wherein each mixing system comprises a mixing valve, and wherein a dilution tip in at least one of the mixing valves is selected to correspond to the raw material that will flow through the mixing valve” in combination with the features of claim 880. The cited art does not appear to teach or suggest the features of claim 886 in combination with the features of claim 880.

Claim 887 describes a combination of features including: “wherein each mixing system comprises a mixing valve, and wherein a dilution tip in at least one of the mixing valves is selected by a distributor of the apparatus” in combination with the features of claim 880. The cited art does not appear to teach or suggest the features of claim 887 in combination with the

features of claim 880.

D. Double Patenting Rejection

Claims 880-969 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of various copending U.S. Patent Applications. Upon issuance of a patent for one of the copending U.S. Patent Applications or the present application, or upon applications being in condition for allowance but for the provisional double patenting rejection, Applicant will provide arguments for the inappropriateness of the double patenting rejection and/or provide a terminal disclaimer for the patent and/or patent applications.

E. The Prior Art of Record

Applicant has reviewed the prior art made of record and not relied upon but considered pertinent to Applicant's disclosure identified in Item 7 of the Office Action. Applicant believes that this prior art made of record does not teach or suggest the combinations of features described in the pending claims of the application.

F. Summary

If any extension of time is required, Applicant hereby respectfully requests the appropriate extension of time. If any fees are inadvertently omitted, please appropriately charge those fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account Number 50-1505/5082-09907/EBM.

Respectfully submitted,



Gareth M. Sampson
Reg. No. 52,191

Agent for Applicant

MEYERTONS, HOOD, KIVLIN, KOWERT, & GOETZEL, P.C.
P.O. Box 398
Austin, TX 78767-0398
(512) 853-8800 (voice)
(512) 853-8801 (facsimile)

Date: 5/4/05